

REMARKS/ARGUMENTS

At the time of Examination, Claims 1-43 were pending in the Application. In this Amendment, Claims 8, 32, 35-42 have been canceled and new Claims 44-46 added. Applicant respectfully submits that new Claims 44-46 read on the elected species.

Accordingly, after entry of this Amendment, Claims 1-7, 9-31, 33-34, 43-46 are pending in the Application.

The specification has been amended to secure correspondence with the drawings.

Reconsideration of this Application and entry of this Amendment is respectfully requested.

Restriction Requirement

Applicant hereby affirms the election without traverse to prosecute the invention of Species 1, Claims 1, 20-31, 33-35, and 43. Applicant notes that the Examiner states:

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claims as provided by 37 CFR 1.141. (Office Action, page 3.)

Further, Applicant notes that the Examiner asserts the Claim 1 is generic. Accordingly, Applicant respectfully requests consideration and allowance of Claims 2-7, 9-19 as being dependent from generic Claim 1.

Claims 1, 20-25, 27-30, 33, 34, 43 are novel over Monroe et al. (6,113,608).

A) Claims 1, 20-25, 27-30, 43 are novel over Monroe et al.

The Examiner states:

Monroe et al. discloses a stent delivery system including **a housing (ref. 124, fig. 1)**, a sheath (ref. 112, Fig. 1), **a slider (ref. 120, Fig. 1 by ref. 104, Fig. 1)**, **an engagement plate (ref. 164, Fig. 1)**, a source of stored energy being **a spring (ref. 160, Fig. 1 acts like a spring)**, an anchor plate (above ref. 136, Fig. 1), ... (Office Action, pages 3-4, emphasis added.)

Accordingly, the Examiner asserts that the pull collar 164 of Monroe et al. is an engagement plate. Applicant notes that the “engagement plate” 164 is spaced apart from the housing 124, and the Examiner has failed to callout how the “engagement plate” 164 is coupled to the housing 124. Further, as the “engagement plate” 164 is moveable relative to the housing 124, Applicant respectfully submits that Monroe et al. actually teaches away from the “engagement plate” 164 being coupled to the housing 124. More particularly, Monroe et al. teaches:

Retraction device 116 includes **a moveable piston 120 within a piston housing 124**, piston 120 separating first portion 128 of piston housing 124 from second portion 132 of piston housing 124. First portion 128 of housing 124 is distal to second portion 132 of piston housing 124. Piston 120 is proximal to retractable sheath 112. **A connecting member 136 also extends from piston 120 to pull collar 164 which is connected to retractable sheath 112 so that movement of the piston will result in an associated movement of the retractable sheath.** Piston 120 is actuated by the supply of a fluid to first portion 128 of piston housing 124. (Col. 3, lines 22-34, emphasis added.)

For at least the above reasons, Monroe et al. does not teach or suggest:

A delivery system comprising:
a housing;
a sheath;
a slider coupled to said sheath, said slider being located within said housing;
an engagement plate coupled to said housing by at least one breakaway; and
a source of stored energy coupled to said engagement plate,

as recited in amended Claim 1, emphasis added. Accordingly, Claim 1 is allowable over Monroe et al. Claims 20-25, and new Claims 44-45, which depend from Claim 1, are allowable for at least the same reasons as Claim 1.

For similar reasons, Monroe et al. does not teach or suggest:

A method comprising:
manually retracting a sheath to initiate deployment of a stent;
connecting a slider coupled to said sheath to an engagement plate; and
disengaging said engagement plate from a housing to complete deployment of said stent, said disengaging comprising breaking at least one breakaway coupling said engagement plate to said housing,

as recited in amended Claim 27, emphasis added. Accordingly, Claim 27 is allowable over Monroe et al. Claims 28-30, 43, and new Claim 46, which depend from Claim 27, are allowable for at least the same reasons as Claim 27.

B) Claims 33-34 are novel over Monroe et al.

As noted above, the Examiner asserts that the piston 120 is a slider and that the collapsible sheath 160 is a spring. Applicant notes that the “spring” 160 extends between the housing 124 and the pull collar 164. Accordingly, the Examiner has failed to callout where Monroe et al. teaches that the “spring” 160 is coupled to the “slider” 120.

More particularly, Monroe et al. teaches:

The proximal end of collapsible sheath 160 is attached, desirably adhesively bonded, **to the distal end of piston housing 124. ... The distal end of collapsible sheath 160 is, in turn, attached, desirably adhesively bonded, to pull collar 164.** (Col. 7, lines 33-43, emphasis added.)

For at least the above reasons, Monroe et al. does not teach or suggest:

A delivery system comprising:
a housing;
a sheath;
a slider coupled to said sheath, said slider being located within said housing;
an anchor plate coupled to said housing; and
a source of stored energy directly coupled to said slider and said anchor plate,

as recited in amended Claim 33, emphasis added. Accordingly, Claim 33 is allowable over Monroe et al.

For similar reasons, Monroe et al. does not teach or suggest:

A method comprising:
disengaging a slider from a housing, said slider being coupled to a sheath, wherein upon said disengaging, a source of stored energy retracts said slider and said sheath to deploy a stent, **said source of stored energy being directly coupled to said slider** and to an anchor plate,

as recited in amended Claim 34, emphasis added. Accordingly, Claim 34 is allowable over Monroe et al.

For at least the above reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 26, 31 are patentable over Monroe et al. in view of Von Oepen et al. (2006/0142833).

As set forth above, Claims 1, 27, from which Claims 26, 31 depend, respectively, are allowable over Monroe et al. Accordingly, Claims 26, 31 are allowable over Monroe et al. for at least the same reasons as Claims 1, 27, respectively.

The Examiner has failed to callout how Von Oepen et al. cures the above described deficiencies in Monroe et al. Accordingly, Claims 26, 31 are allowable over Monroe et al. in view of Von Oepen et al.

For at least the above reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1888.

Respectfully submitted,

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